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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/660,876	09/13/2000	Michael S. Tignor	GEN-0213	7521

7590

06/04/2003

Philmore H Colburn II
Cantor Colburn LLP
55 Griffin Road South
Bloomfield, CT 06002

EXAMINER

NGUYEN, DANNY

ART UNIT

PAPER NUMBER

2836

DATE MAILED: 06/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/660,876

Applicant(s)

TIGNOR ET AL.

Examiner

Danny Nguyen

Art Unit

2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 16-26, 37-39 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22 and 37-39 is/are allowed.
- 6) ☒ Claim(s) 1, 5, 16-21, 23-26 is/are rejected.
- 7) ☒ Claim(s) 2-4 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 5, 16, 17, 19, 20, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy (USPN 4,958,252) in view of Dougherty (USPN 6,356,462).

Regarding to claims 1, 16, 23, Murphy discloses that a circuit breaker (fig. 2) for an electrical circuit comprises an operating mechanism (25) for interrupting current in the electrical circuit when operated (see col. 7, lines 9-10); an electronic strip unit (27) including a microcomputer which monitors the current in the electrical circuit and generates a trip by automatically operating the operating mechanism to interrupt the current when the current exceeds a selected value (see col. 6, lines 45-50); and a rating plug (7) having means establishing the selectable value of the current at which the electronic trip unit trips the operating mechanism (see col. 6, lines 51-53), and a non-volatile memory (55), a housing (3), a connector (shown in fig. 2). Murphy does not disclose a non-volatile memory (55) storing frame current and rating current. Dougherty discloses a control circuit breaker (30) having a non-volatile memory (col. 4, lines 24-27) storing frame current (note the control circuit 30 can maintain a certain current level when the value of rating current resistor is changed (40)) and rating current in digital format only (col. 5, lines 23-51). Note the control circuit 30 can maintain a certain

current level when the value of rating current resistor is changed (40)) as taught by Dougherty in order to permit users easily set and reset the current rating depending on the desired use.

Regarding to claims 5, 17, Murphy discloses all limitations of claim 1 except for having a display for displaying the current rating. Dougherty discloses a display (50) for displaying the current rating (col. 6, lines 5-6). It would have been obvious to one having skill in the art at the time the invention was made to modify the circuit breaker of Murphy with a display as taught by Dougherty in order to permit users easily set and reset the current rating depending on the desired use.

Regarding to claims 19, 20, Murphy discloses the connector including a plurality of connection pins (7-10).

2. Claims 17, 18, 25, 26, are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy in view of Dougherty, and further in view of Bilac et al. (USPN 6,560,084). Murphy and Dougherty disclose all limitations of claim 16 except for having a bar code label. Bilac et al. disclose a bar code label (58 shown in fig. 3). It would have been obvious to one having skill in the art at the time the invention was made to modify the circuit breaker of Murphy and Dougherty with a bar code label as taught by Bilac et al. in order to indicate the desired current (Bilac et al. col. 8, lines 55-60).

3. Claims 21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy in view of Dougherty, and further in view of Morris et al. (USPN 4,728,914). Murphy and Dougherty disclose all limitations of claims 16 and 23 except for the rating

plug having a plastic house. Morris et al. disclose the rating plug (17) having a plastic house (20 and 21).). It would have been obvious to one having skill in the art at the time the invention was made to modify the circuit breaker of Murphy and Dougherty with a plastic house as taught by Morris et al. in order to hold the circuit components.

Allowable Subject Matter

4. Claims 22, 37-39 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 37 recites, inter alia; a circuit breaker comprises an Internet connection extending from the microcomputer and the rating current of the circuit breaker may be changed via the Internet connection.

The references of record do not teach or suggest the aforementioned limitations, nor would it be obvious to modify those references to include such limitations.

5. Claims 2- 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

Claims 2, 3 recite, inter alia; a circuit breaker comprises an internet connection extending from the micro-computer and the rating current of the circuit breaker may be changed via the internet connection, and the current rating of the circuit breaker including leads connected to the first and second resistors.

The references of record do not teach or suggest the aforementioned limitations, nor would it be obvious to modify those references to include such limitations.

Conclusion

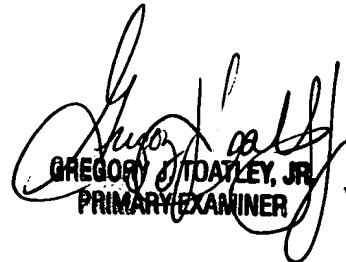
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Danny Nguyen whose telephone number is (703)-305-5988. The examiner can normally be reached on Mon to Fri 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (703)-308-3119. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-9318 for regular communications and (703)-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-0956.

DN

DN
May 29, 2003


GREGORY J. TOATLEY, JR.
PRIMARY EXAMINER